

REMARKS

I. Status of the Application

Claims 1-12 were pending in the application prior to the submission of this response. Claims 1-12 stand rejected. No claims have been amended.

II. Response to Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2 and 7-12 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 05-167915 to Daikichi (hereafter, “Daikichi”) in view of JP 2002-277204 to Haruto (hereafter, “Haruto”).

Claims 1-6 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,831,676 to Takahashi, et al. (hereafter, “Takahashi”) in view of Haruto.

Applicant respectfully traverses the rejection. Applicant submits that Daikichi, Takahashi and Haruto, taken either alone or in combination, do not teach or suggest an image sensing apparatus comprising “an exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by a delay in closing of said light-shielding unit”, as required by at least previously presented independent claim 1. Previously presented independent claims 9 and 10 recite similar features to claim 1 as described herein.

The Office Action concedes that Daikichi and Takahashi do not teach “an exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by a delay in closing of said light-shielding unit.” (Office Action, pages 4 and 7) However, the Office Action relies on Haruto to “teach a location detecting device.” (Office Action, page 4)

The Office Action asserts that “Haruto teaches that if the actual shutter speed differs from the predetermined shutter speed an error message can be sent (Para 30). Therefore, it would have been obvious ... to have provided exposure amount loss calculation unit as taught by Haruto to the exposure control system of Daikichi, because the accuracy of actuation of a shutter curtain be maintained and it can expect to raise the dependability of a camera (Para 30).”

Applicant submits that at least one embodiment of the present invention solves the problem caused by the delay in closing (the amount of time it takes for the mechanical shutter to close) of the light-shielding unit (mechanical shutter) as described on page 7, line 5 to page 10,

line 19 of the Specification. It takes time from when the light-shielding unit starts traveling until it completely shields the image sensing element. The loss in exposure amount caused by traveling of the light shielding unit is calculated by the exposure amount loss calculating unit and the calculated amount is compensated in accordance with the at least one of the image sensing mode and the image sensing condition that is set by the setting unit.

By contrast, Haruto merely discloses detecting the location of a shutter screen of a camera. The operating means 105, as taught by Haruto, merely obtains the location and speed of the shutter screen based on a detection signal. The detection signal is output by the detecting means 104, which detects the disturbance of a magnetic field. Applicant submits that simply detecting the location and speed of a shutter does not teach or suggest the “exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by a delay in closing of said light-shielding unit” as set forth in at least independent claim 1.

Furthermore, there is no motivation to combine the teachings of Haruto with Daikichi and Takahashi as suggested by the Examiner.

In view of the above, at least independent claim 1 is believed distinguishable over Daikichi, Takahashi and Haruto for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 9 and 10 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant has not specifically addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

CONCLUSION

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

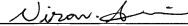
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5217. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-5217. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 29, 2008

By: 
Nirav S. Amin
Registration No. 60,884
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101